



U.S. Department of Justice

*United States Attorney  
District of New Jersey*

970 Broad Street, Suite 700  
Newark, NJ 07102

(973) 645-2700

May 21, 2008

Honorable Peter G. Sheridan  
United States District Judge  
Martin Luther King Building and  
U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

Re: United States v. Miguel Capellan, Crim. No. 07-862 (PGS)

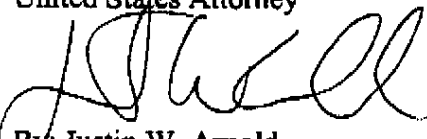
Dear Judge Sheridan:

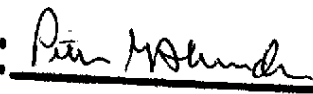
The United States, with the consent of counsel to defendant Miguel Capellan, writes to request that Your Honor adjourn the trial currently scheduled to begin on June 9, 2008 until such time that defendant Miguel Capellan is available for trial.

On March 3, 2008, defendant Miguel Capellan failed to appear for a court hearing, and Your Honor issued a warrant for his arrest. As of the date of his letter, defendant Miguel Capellan remains a fugitive and his whereabouts are still unknown to the United States. Rule 43 of the Fed. R. of Crim. P. requires defendant Miguel Capellan's presence at every trial stage, including jury impanelment and the return of the verdict. Given defendant Miguel Capellan's absence, the United States and counsel for defendant Miguel Capellan request an adjournment of the trial date, and request that Your Honor set a date for trial at some point after defendant Miguel Capellan is apprehended or makes himself available for trial.

Respectfully submitted,

CHRISTOPHER J. CHRISTIE  
United States Attorney

  
By: Justin W. Arnold  
Assistant U.S. Attorney

SO ORDERED:   
DATED: 5/22/08

cc: David Oakley, Esq. (counsel for defendant Miguel Capellan)